

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Omaha
200460765

REGULATORY PROJECT MANAGER: May **Date: 22 Nov 2004**
PROJECT REVIEW/DETERMINATION COMPLETED: In the office ___ (Y/N) **Date: _____**
 At the project site Y_ (Y/N) **Date: May 5, 2004**

PROJECT LOCATION INFORMATION:

State: North Dakota
County: Mercer
Center coordinates of site by latitude & longitudinal coordinates: Loc 1 47-24-00.3377; 101-51-48.226
 Loc 2 47-24-00.1649; 101-51-42-7117
 Loc 3 47-23-59-3862; 101-51-00.2202
 Loc 4 47-23-41.4903; 101-50-38.9423
Approximate size of site/property (including uplands & in acres): 1 – 1 acre, 2- 1 acre, 3 – 5 acre, 4 – 5 acres
Name of waterway or watershed: Lake Sakakawea

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	2		1						
Slough									
Prairie pothole			1						
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			xxx		
Is or would be used as habitat by other migratory birds that cross state lines?			xxx		
Is or would be used as habitat for endangered species?				xxx	
Is used to irrigate crops sold in interstate commerce?		xxx			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ___ Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The NWI map indicated only

Location 4 as a wetland. Locations 1 thru 3 based on the Delineation Report and the photographs provided are most likely road ditch wetland or wetlands that have developed from run off from the roadway. All 4 areas are very small wetlands without any potential for navigation or interstate commerce.